

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NATIONAL CREDIT UNION ADMINISTRATION :
BOARD, etc., :
                Plaintiff, : 13cv6705 (DLC)
                -v- : 13cv6719 (DLC)
                : 13cv6721 (DLC)
MORGAN STANLEY & CO., et al., : 13cv6726 (DLC)
                : 13cv6727 (DLC)
                Defendants. : 13cv6731 (DLC)
                : 13cv6736 (DLC)
And other NCUA Actions. :
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UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

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NATIONAL CREDIT UNION ADMINISTRATION :
BOARD, etc., :
                Plaintiff, : 11cv2340 (JWL)
                -v- : 11cv2649 (JWL)
                : 12cv2591 (JWL)
RBS SECURITIES, INC., f/k/a GREENWICH : 12cv2631 (JWL)
CAPITAL MARKETS, INC., et al., : 12cv2648 (JWL)
                : 13cv2418 (JWL)
                Defendants. :
                :
And other NCUA Actions. :
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

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NATIONAL CREDIT UNION ADMINISTRATION :
BOARD, etc., :
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Plaintiff, :
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-v- :
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11cv5887 (GW)
RBS SECURITIES, INC., f/k/a GREENWICH : 11cv6521 (GW)
CAPITAL MARKETS, INC., et al., :
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Defendants. : ORDER
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And other NCUA Actions. :
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HON. DENISE COTE, HON. JOHN W. LUNGSTRUM, and HON. GEORGE H. WU,
District Judges; and HON. JAMES P. O'HARA, Magistrate Judge:

On June 18, 2015, RBS requested leave to take three additional depositions of U.S. Central witnesses, for a total of eight depositions. The request is brought on behalf of all defendants in the Kansas and California actions in which Certificates purchased by U.S. Central are at issue. On June 23, NCUA opposed the request.

Pursuant to the Master Discovery Protocol ("MDP"), on September 19, 2014, the parties submitted their proposals for limits on the number of fact depositions. The defendants requested ten depositions per each credit union and that any limit be subject to later revision.

Our Order of September 23, 2014 allowed the defendants collectively to take up to five fact depositions of each of the four credit unions involved in this Coordinated Litigation. In

doing so, the Order noted that we had reviewed the parties' submissions and were "aware of the elements of the claims and defenses in these strict liability actions."

The MDP provides that all parties to an action have the right prior to a witness' trial testimony to depose any witness not previously deposed who is designated to testify at trial. It also permits any party to seek a revision of an order based on a showing of good cause.

In October 2014, NCUA substantially completed its document production, including its production on behalf of U.S. Central. On March 27, 2015, we denied an RBS request for, among other things, an increase in the number of U.S. Central document custodians from eight to sixteen.

The defendants requested dates for depositions of U.S. Central employees for the first time on March 23, 2015. They requested May dates for two such witnesses. Beginning in mid-May, the defendants began to seek additional dates for U.S. Central depositions. By June 17, the defendants had requested eight U.S. Central depositions. Since April 2014, fact discovery has been scheduled to conclude on July 17, 2015.

The defendants having failed to show good cause for an increase in the number of U.S. Central depositions beyond the five allotted in the Order of September 23, 2014, it is hereby

ORDERED that the defendants' June 18 application for additional U.S. Central depositions is denied.

Dated: June 24, 2015 /s/ Denise Cote
United States District Judge

Dated: June 24, 2015 /s/ George H. Wu
United States District Judge

Dated: June 24, 2015 /s/ John W. Lungstrum
United States District Judge

Dated: June 24, 2015 /s/ James P. O'Hara
United States Magistrate Judge